

APPENDIX A1 (Plaintiffs)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al., §
§
Plaintiffs, §
v. § Civil Action No. 4:20-CV-957-SDJ
GOOGLE LLC, §
§
Defendant. §

PROPOSED SCHEDULING ORDER DEADLINES

The following actions shall be completed by the dates indicated.¹ (The times indicated are the standard for most cases. Counsel should be prepared to explain the need for requested changes).

<u>May 10, 2021</u>	Deadline for motions to transfer.
<u>June 14, 2021</u>	Deadline to add parties.
<u>July 12, 2021</u>	Disclosure of expert testimony pursuant to FED. R. CIV. P. 26(a)(2) and Local Rule CV-26(b) on issues for which the party bears the burden of proof.
<u>July 26, 2021</u>	Deadline for Plaintiff to file amended pleading. (A motion for leave to amend is required.)
<u>August 9, 2021</u>	Disclosure of expert testimony pursuant to FED. R. CIV. P. 26(a)(2) and Local Rule CV-26(b) on issues for which the party does not bear the burden of proof.

¹ If a deadline falls on a Saturday, Sunday, or a legal holiday as defined in FED. R. CIV. P. 6, the effective date is the first federal court business day following the deadline imposed.

<u>August 9, 2021</u>	Deadline for Defendant's final amended pleadings. (A motion for leave to amend is required.)
<u>August 23, 2021</u>	Deadline to object to expert testimony on issues for which the party seeking to introduce that testimony bears the burden of proof. Objection shall be made as a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the Court with all the information necessary to make a ruling on any objection.
<u>September 6, 2021</u>	Deadline to object to expert testimony on issues for which the party seeking to introduce that testimony does not bear the burden of proof. Objection shall be made as a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the Court with all the information necessary to make a ruling on any objection.
<u>November 15, , 2021</u>	Deadline by which the parties shall notify the Court of the name, address, and telephone number of the agreed-upon mediator, or request that the Court select a mediator, if they are unable to agree on one.
<u>November 15, 2021</u>	All discovery shall be commenced in time to be completed by this date.
<u>November 27, 2021</u> (but no later than 110 days prior to deadline for submission of Joint Final Pretrial Order)	Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions.

<u>November 27, 2021</u>	Mediation must occur by this date.
<u>March 3, 2022</u> (6 weeks before final pretrial conf.)	Notice of intent to offer certified records.
<u>March 3, 2022</u> (6 weeks before final pretrial conf.)	Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in non-jury cases).
<u>March 10, 2022</u> (5 weeks before pretrial conf.)	Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.
<u>March 17, 2022</u> (30 days before final pretrial conf.)	Motions in limine due File Joint Final Pretrial Order. <i>See</i> http://www.txed.uscourts.gov/?q=forms/misc
<u>March 31, 2022</u> (2 weeks before pretrial conf.)	Response to motions in limine due. ² File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend deadline to object to expert witnesses.)

² This is not an invitation or requirement to file written responses. Most motions in limine can be decided without a written response. However, if there is a particularly difficult or novel issue, the Court needs some time to review the matter. To save time and space, respond only to items objected to. All others will be considered to be agreed. Opposing counsel **shall confer** in an attempt to resolve any dispute over the motions in limine within five calendar days of the filing of any response. The parties shall notify the Court of all the issues which are resolved.

File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).

Date will be set by Court. Usually within 10 days prior to final pretrial conf.

If numerous objections are filed, the Court may set a hearing to consider all pending motions and objections.

April 14, 2022

Final Pretrial Conference at 9:00 a.m. at the United States Courthouse located at 7940 Preston Road, Plano, Texas 75024. Parties should be prepared to try case. All cases on the Court's Final Pretrial Conference docket for this day have been set at 9:00 a.m. However, prior to the Final Pretrial Conference date, the Court will set a specific time between 9:00 a.m. and 4:00 p.m. for each case, depending on which cases remain on the Court's docket.

TBD

10:00 a.m. jury selection and trial (or bench trial) at the United States Courthouse located at 7940 Preston Road, Plano, Texas 75024. Cases that remain for trial following the Court's Pretrial docket will be tried between April 25, 2022, and May 16, 2022. A specific trial date in this time frame will be selected at the Final Pretrial Conference.

8-10 weeks

EXPECTED LENGTH OF TRIAL

APPENDIX A2 (Google)

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

THE STATE OF TEXAS, et al., §
Plaintiffs, §
v. § Civil Action No. 4:20-CV-957-SDJ
GOOGLE LLC, §
Defendant. §

PROPOSED SCHEDULING ORDER DEADLINES

<u>May 10, 2021</u>	Deadline for motions to transfer.
<u>June 14, 2021</u>	Deadline to add parties.
<u>January 24, 2022</u>	Deadline for Plaintiffs to file amended pleading. (A motion for leave to amend is required.)
<u>February 21, 2022</u>	Deadline for Defendant's final amended pleadings. (A motion for leave to amend is required.)
<u>September 9, 2022</u>	Close of fact discovery
<u>September 16, 2022</u>	Disclosure of expert testimony pursuant to FED. R. CIV. P. 26(a)(2) and Local Rule CV-26(b) on issues for which the party bears the burden of proof.

<u>November 15, 2022</u>	Disclosure of expert testimony pursuant to FED. R. CIV. P. 26(a)(2) and Local Rule CV-26(b) on issues for which the party does not bear the burden of proof.
<u>December 15, 2022</u>	Disclosure of rebuttal expert testimony.
<u>March 3, 2023</u>	Close of expert discovery. All discovery shall be commenced in time to be completed by this date.
<u>March 31, 2023</u>	Deadline by which the parties shall notify the Court of the name, address, and telephone number of the agreed-upon mediator, or request that the Court select a mediator, if they are unable to agree on one.
<u>April 3, 2023</u>	Deadline to object to all expert testimony (i.e., deadline for <i>Daubert</i> motions). Objection shall be made as a motion to strike or limit expert testimony and shall be accompanied by a copy of the expert's report in order to provide the Court with all the information necessary to make a ruling on any objection.
<u>April 3, 2023 (but no later than 110 days prior to deadline for submission of Joint Final Pretrial Order)</u>	Deadline for motions to dismiss, motions for summary judgment, or other dispositive motions.
<u>May 3, 2023</u>	Deadline for responses to <i>Daubert</i> motions and responses to motions to dismiss, motions for summary judgment, or other dispositive motions.
<u>May 24, 2023</u>	Deadline for replies to <i>Daubert</i> motions.

May 31, 2023 Deadline for replies to motions to dismiss, motions for summary judgment, or other dispositive motions

June 16, 2023 Mediation must occur by this date.

August 4, 2023 Notice of intent to offer certified records.

6 weeks before final pretrial conf.

August 4, 2023 Counsel and unrepresented parties are each responsible for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order and Joint Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in non-jury cases).

August 11, 2023 Video Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.

August 16, 2023 Motions in limine due.
File Joint Final Pretrial Order. *See* <http://www.txed.uscourts.gov/?q=forms/misc>

September 1, 2023 Response to motions in limine due.³
2 weeks before final pretrial conf.

³ This is not an invitation or requirement to file written responses. Most motions in limine can be decided without a written response. However, if there is a particularly difficult or novel issue, the Court needs some time to review the matter. To save time and space, respond only to items objected to. All others will be considered to be agreed. Opposing counsel **shall confer** in an attempt to resolve any dispute over the motions in limine within five calendar days of the filing of any

File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order.⁴ (This does not extend the deadline to object to expert witnesses.)

File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).

Date will be set by Court. Usually within 10 days prior to final pretrial conf.

If numerous objections are filed, the Court may set a hearing to consider all pending motions and objections.

September 15, 2023

Final Pretrial Conference at 9:00 a.m. at the United States Courthouse located at 7940 Preston Road, Plano, Texas 75024.

To be determined

10:00 a.m. jury selection and trial (or bench trial) at the United States Courthouse located at 7940 Preston Road, Plano, Texas 75024. Cases that remain for trial following the Court's Pretrial docket will be tried between **October 1, 2023 and October 31, 2023**. A specific trial date in this time frame will be selected at the Final Pretrial Conference.

8-10 weeks

EXPECTED LENGTH OF TRIAL

response. The parties shall notify the Court of all the issues which are resolved.

⁴ Within five calendar days after the filing of any objections, opposing counsel **shall confer** to determine whether objections can be resolved without a court ruling. The parties shall notify the court of all issues which are resolved. The court needs a copy of the exhibit or the pertinent deposition pages to rule on the objection.